IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

Crl.Rev.Pet.No. 4425 of 2007()

ST.727/2007 of JUDL. MAGISTRATE OF FIRST CLASS, KUNNAMANGALAM
.....

REVN. PETITIONER:

AMMINI AMMA,
W/O. DAMODARAN NAIR,
POTTUMMEL VEEDU,
KUNNAMANGALAM.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS:
---

1. YESODA,
   KARAYIL VEEDU,
   (P.O.) REC,
   KUNNAMANGALAM.

2. STATE OF KERALA
   REPRESENTED BY THE PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. K.S. SIVAKUMAR, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR , J

==========

CRL.R.P. NO. 4425 of 2007

==========

Dated this the 12th day of December, 2007.

ORDER

The revision petitioner, who was the complainant in S.T. No. 727/2007 on the file of the Judicial First Class Magistrate, Kunnamangalam for an offence punishable under Section 138 of the Negotiable Instruments Act involving a cheque for Rs.10,000/-, challenges the order dated 17.08.2007 dismissing the complaint under Section 204(4) Cr.P.C. Since the dismissal of the complaint was before the accused had entered appearance, notice to the 1st respondent/accused is dispensed with in this revision.

2. It is true that there were some latches on the part of the revision petitioner/complainant in depositing the process fee and in appearing before the court below. But then the complainant is a woman and the complaint was filed only on 21.05.2007. The court below should have been indulgent enough in giving the complainant an opportunity to deposit the process fee. The impugned order is accordingly set aside and the complaint will stand restored to file as S.T. No. 727/2007. The petitioner shall appear before the court below without any further notice on **14.01.2008** by which time she shall have done everything for the further progress of the case.

The revision is disposed of accordingly.

V. RAMKUMAR, JUDGE.

rv